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09/781,153	02/13/2001	Takeshi Kokado	2001_0153A	9451

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EXAMINER
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SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/781,153

**Applicant(s)**

KOKADO ET AL.

**Examiner**

Mohammad A Siddiqi

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 35-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 35-68 are presented for examination. Claims 1-34 have been cancelled.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 35-40, 52-63, and 67-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (5,920,701) (hereinafter Miller).
4. As per claims 35 and 52, Miller discloses data transmission system and method in which a server is operable to transmit content data that is designated by a content reservation request which is issued by a data terminal device for the content data, said server being operable to transmit

the content data through one of a plurality of communications circuits (multicast, col 1, lines 61-66) to a data circuit terminating device which is connected to said data terminal device for storing the content data (fig, col 1, lines 57-67 and col 2, lines 1-5), wherein:

each of said plurality of communication circuits (multicast, LAN, WAN, col 1, lines 57-66) is operable to communicate the content data to said data terminal device (col 4, lines 35-40;

each of said plurality of communication circuits is operable to provide communication between said server (col 4, lines 35-40) and said data terminal device through different means (col 4, lines 66-67 and col 5, lines 1-3);

the content reservation request indicates a time limit (completed by the requested delivery time, col 4, lines 47-56) in which the content data that is designated by said data terminal device is to be available in said data circuit terminating device (col 4, lines 47-59);

either said server or any one of said plurality of communications circuits comprises (fig 1, col 4, lines 35-40):

a time limit management part operable to manage the time limit indicated by the content reservation request issued from said data terminal device (10, fig 1, scheduler, col 4, lines 35-56); and

a scheduling part operable to determine (10, fig 1, scheduler, col 4, lines 35-56), based on both the time limit managed in said time limit management part and predetermined communications information (scheduler, col 4, lines 51-54), a transmission time and one of said plurality of communications circuits which provides the most optimal means for communication between said server (determining bandwidth, col 2, lines 19-31) and said data circuit terminating device so as to ensure that the content data is completely transmitted by the indicated time limit ( delivered by the requested delivery time, col 4, lines 45-59); and

said server comprises a data send out part operable to send out the content data onto the determined optimal server (determining bandwidth, col 2, lines 19-31) one of said plurality of communications circuits according to the transmission time that is determined by said scheduling part (col 4, lines 35-59).

5. As per claim 36, Miller discloses the predetermined communications information indicates at least one of a size of the content data that is designated by the content reservation request and the number of data terminal devices to which the content data is addressed (parameters, col 4, lines 45-56).

6. As per claim 37, Miller discloses data circuit terminating device operates while receiving power from any one of said plurality of communications circuits (transmission, 24, fig 1, col 4, lines 45-56).
7. As per claim 38, Miller discloses a content storage operable to store the content data transmitted over the determined optimal one of said optimal communications circuits into a recording area thereof (col 4, lines 35-40); and a data transmission part operable to read, from said content storage (col 4, lines 40-45), the content data that is designated by a read request issued from said data terminal device for the content data to be transmitted to said data terminal device (col 4, lines 35-59).
8. As per claim 39, Miller discloses after reading the content data that is designated by the read request (col 2 lines 10-14), said data transmission part is also operable to read content data that is not designated by the read request (adding content, col 2, lines 11-20), and to transmit a set of the read content data to the data terminal device (col 2, lines 11-31).
9. As per claim 40, Miller discloses data circuit terminating device is operable to transmit a storage completion notice to said data terminal device

indicating that the content data is successfully stored in the recording area of said content storage (col 3, lines 8-11).

10. As per claim 53, Miller discloses a status data generation part operable to generate content reservation status data listing at least one download condition (col 2, lines 19-22) which is indicative of at least one of a transmission time and a transmission cost for content data that is available to be transmitted from said server (col 2, lines 11-14); and a data transmission part operable to transmit the content reservation status data generated by said status data generation part to the number of said plurality of data terminal devices (scheduler, col 4, lines 35-59); wherein said data transmission system is operable to collect from the number of said plurality of data terminal devices a corresponding number of content reservation requests each indicating a download condition for downloading the content data to the number of said plurality of data terminal devices, respectively (parameter, col 4, lines 35-55); wherein said data transmission system further comprises: a download condition management part operable to manage (parameters, col 4, lines 35-40) the content data and the at least one download condition in accordance with the number of content reservation requests received from the number of said plurality of data terminal devices (col 4, lines 45-59); a scheduling part operable to

determine, based on the at least one download condition managed in said download condition management part (col 4, lines 45-59), a transmission timing which ensures that the content data transmitted under the download condition (col 4, lines 45-59) is completely received by the number of said plurality of data terminal devices in accordance with the download condition indicated by the content reservation request received from each of the number of said plurality of data terminal devices (col 4, lines 35-59), and a data send out part erable to send out the content data onto said communications circuit according to the transmission timing determined by said scheduling part (col 4, lines 35-59).

11. As per claim 54, Miller discloses the download condition is a time limit in which the content data that is designated by at least one of said plurality of data terminal devices is to be ready in said data circuit terminating device (col 2, lines 19-29).

12. As per claim 55, Miller discloses an acceptance processing part operable to accept the content reservation request, and to determine, based on how many other data terminal devices of said plurality of data terminal devices (fig 1) are induced to receive the content data by the time limit, a



transmission expense for the content data (total transmission time, bandwidth, priority, col 2, lines 19-37).

13. As per claim 56, Miller discloses acceptance processing part is operable to refer to a time margin that is left for a new time limit to determine the transmission expense for the content data when the content reservation request that is issued from one of said plurality of data terminal devices carries the new time limit which is not indicated by the content reservation status data (bandwidth, col 2, lines 19-37 and col 3, lines 8-19).

14. As per claim 57, Miller discloses the data transmission system according to claim 53, wherein the download condition is a transmission expense for the content data that is designated by the content reservation request issued from one of said plurality of data terminal devices (bandwidth, time, col 2, lines 11-31), said transmission system further comprises an acceptance processing part operable to accept the content reservation request from the one of said plurality of data terminal devices, and to determine, based on how many other data terminal devices of said plurality of data terminal devices are requesting for the content data to be transmitted by the time limit, the transmission expense for the content data (col 2, lines 11-31),,and said data send out part is operable to send out the

content data designated by the content reservation request onto said communications circuit when the transmission expense determined by said acceptance processing part becomes equal to or less than a predetermined value ( col 2, lines 1-10 and lines 20-37).

15. As per claim 58, Miller discloses the download condition is the number of other data terminal devices of said plurality of data terminal devices requesting for the content data to be transmitted (col 4, lines 10-31), said data transmission system further comprises an acceptance processing part operable to accept the content reservation request from one of said plurality of data terminal devices, and to determine, based on how many other data terminal devices of said plurality of data terminal devices are requesting the content data to be transmitted (priority, col 2, lines 11-20), a transmission expense for the content data, and said data send out part is operable to send out the content data designated by the content reservation request onto said communications circuit when the number of content reservation requests that are accepted by said acceptance processing part becomes equal to or larger than a predetermined value ( col 2, lines 1-10 and lines 20-37).

16. As per claim 59, the claim is rejected for the same reasons as claim 1, above.

17. As per claim 60, the claim is rejected for the same reasons as claim 53, above.

18. As per claim 61, the claim is rejected for the same reasons as claims 36 and 38, above.

19. As per claim 62, the claim is rejected for the same reasons as claim 38, above.

20. As per claim 63, Miller discloses selection condition list is generated based on a keyword that is inputted into said data terminal device by a user (table, col 7, lines 19-50).

21. As per claim 67, Miller discloses a content storage operable to store, from the content data set received from the determined optimal one of said plurality of communications circuits, only the content data satisfying the predetermined selection condition (col 5, lines 35-51), and a data transmission part operable to read the content data stored in said content

storage for the content data to be transmitted to said data terminal device in response to a read request issued from said data terminal device for the content data. (col 2, lines 11-31)

22. As per claim 68, the claim is rejected for same reasons as claim 53, above.

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 41-48 and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Miller et al. (5,920,701) (hereinafter Miller) in view of Berstis et al. (6,182,122) (hereinafter Berstis).

25. As per claim 41, Miller discloses the storage completion notice (col 3, lines 8-11). Miller fails to disclose, format of HTML. However, HTML format is well known in the art. Berstis, for example, discloses format of HTML (col 9,

lines 50-51). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Miller with Berstis. The motivation would have been to provide industry standard HTML formatting.

26. As per claim 42, Miller discloses the storage completion notice (col 3, lines 8-11). Miller fails to disclose sending an e-mail. However, sending an e-mail is well known in the art. Berstis discloses sending an e-mail (col 4, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Miller with Berstis. The motivation would have been to provide notification via electronic mail.

27. As per claim 43, Miller discloses data circuit terminating device is operable to transmit the storage completion notice to said data terminal device (col 3, lines 8-11), and said data circuit terminating device is operable to transmit the storage completion notice to said data terminal device (col 3, lines 8-11). Miller fails to disclose in various formats, in a format that is designated by a user of said data terminal device. However, Berstis discloses in various formats, in a format that is designated by a user of said data terminal device (col 1, lines 47-54 and col 4, lines 55-60 and col 9, lines 37-46). It would have been obvious to one of ordinary skill in the art

at the time of the invention was made to modify the teachings of Miller with Berstis. The motivation would have been to provide multi formatted data distribution on internet.

28. As per claim 44, Miller discloses at least one of said plurality of communications circuits includes a recording area management unit operable to manage the recording area of said data circuit terminating device, and in response to a request from said server, said recording area management unit is operable to transmit a recording area reserve instruction to request said data circuit terminating device to reserve a space in the recording area for the content data (storing, col 6, lines 36-51).

29. As per claim 45, Miller discloses data circuit terminating device inquires said server through memory processing whether the content data has been updated when the content data that is requested by said data terminal device is popular, said server is operable to, when the content data has been updated, responsively transmit the updated content data to said data circuit terminating device, and said data circuit terminating device is operable to store the updated content data received from said server into said content storage (storing, col 6, lines 36-51). Miller fails to disclose cache. However, cache term is used for the temporary memory is well

known in the art. Berstis, for example, discloses cache (precaching, col 5, lines 32-41 and col 6, lines 54-55). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Miller with Berstis. The motivation would have been to provide faster access to the data without doing extra I/O to the disk.

30. As per claim 46, the claim is rejected for the same reasons as claim 45, above. In addition, the recording area of said content storage is divided into a plurality of smaller areas, and said data circuit terminating device is operable to assign each different smaller area to store the content data acquired by the content reservation request and the content data acquired through the memory processing (col 5, lines 36-51).

31. As per claim 47, Miller discloses system includes at least one additional data circuit terminating device, said data circuit terminating device and said at least one additional data circuit terminating device constituting a plurality of data circuit terminating devices, and any one of said plurality of data circuit terminating devices is operable to acquire content data that is stored in a content storage area of another one of said plurality of data circuit terminating devices (col 5, lines 4, lines 35-59 and col 5, lines 36-51).

32. As per claim 48, the claim is rejected for the same reasons as claim 46, above. In addition, Miller discloses said data circuit terminating device is operable to, inquire said server when the communications traffic on the determined optimal one of said plurality of communications circuits is low (col 3, lines 45-56).

33. As per claim 64, Miller fails to disclose data circuit terminating device further comprises a data deletion part operable to delete the content data set stored in said content storage within a predetermined timing. Berstis discloses data circuit terminating device further comprises a data deletion part operable to delete the content data set stored in said content storage within a predetermined timing (col 8, lines 1-12). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Miller with Berstis. The motivation would have been to provide a system of capturing unused storage space.

34. AS per claim 65, the claim is rejected for the same reasons as claim 64, above. In addition, Miller discloses content storage when a recording capacity of said content storage becomes smaller than a predetermined reference recording capacity (col 2, lines 28-47).



35. As per claim 66, the claim is rejected for the same reasons as claim 64, above.

36. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Miller et al. (5,920,701) (hereinafter Miller) in view of Schweitzer et al (6,418,647) (hereinafter (Schweitzer)).

37. As per claim 49, Miller fails to disclose circuit terminating device is implemented with a protocol to function as a mail server, and is operable to perform transmission and reception of an e-mail. However, Schweitzer circuit terminating device is implemented with a protocol to function as a mail server, and is operable to perform transmission and reception of an e-mail (col 5, lines 16-21). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Miller with Schweitzer. The motivation would have been to have a system with e-mal server which can send e-mail messages to different users.

38. As per claim 50, the claim is rejected for the same reasons as claim 49, above. In addition, Miller discloses data circuit terminating device is operable to send out the notification onto the determined optimal one of said plurality of communications circuits when the communications traffic on the

determined optimal one of said plurality of communications circuits is low (col 3, lines 8-20).

39. As per claim 51, the claim is rejected for same reasons as claim 49, above. In addition Miller discloses the notification is assigned a priority indicating an importance of the notification, and said data circuit terminating device is operable to change a timing for sending out the notification onto the determined optimal one of said plurality of communications circuits according to the priority assigned to the request (col 3, lines 8-23).

### ***Response to Arguments***

40. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

41. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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